

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2028

FEDERALLY-ASSISTED PUBLIC HOUSING PROJECTS

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Historical Note: Chapter 2028 of Title 17, Hawaii Administrative Rules, is substantially based upon Chapter 17-2028, Hawaii Administrative Rules, [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**], Chapter 17-535, Hawaii Administrative Rules, [Eff 1/1/81; am and comp 2/11/85; am and comp 5/26/98; R 12/03/01], and Chapter 15-190, Hawaii Administrative Rules [Eff 12/03/01; R 9/04/07]

property-specific guidelines as required pursuant to these rules.

"Annual income" means the gross amount of income anticipated to be received by the family during the twelve months after admission or reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD, as defined in 24 C.F.R. §5.609 as it existed on March 28, 2013.

"Applicant" means an individual or family that submits an application for admission to the program but is not yet a participant in the program.

"Assets" or "net family assets" means net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment as defined in 24 C.F.R. §5.603 as it existed on March 28, 2013, and excludes the value of necessary items of personal property such as furniture and automobiles.

"Assisted housing" means the same as "federally-assisted housing".

"Authority" means the Hawaii public housing authority.

"Backcharge" means the amount of arrears in rent or other charges owed to the authority.

"C.F.R." means the United States Code of Federal Regulations.

"Common areas" means areas which are available for use by more than one family including lobbies, corridors, hallways, stairways, parking lots, spots, ramps, washing machine or laundry room, rooftops, elevators, washrooms and lobby areas, driveways, storerooms, and shared ventilation ducts that service more than one dwelling unit.

"Community facilities" means real and personal property; buildings, equipment, lands, and grounds for recreational or social assemblies, and for educational, health, or welfare purposes; and necessary or convenient utilities, when designed primarily for the benefit and use of the authority or the occupants of the dwelling units.

member by a spouse, former spouse, or other member of the family who is living or has lived with the family.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on March 28, 2013.

"Drug related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute or use the drug.

"Dwelling unit" means a residential unit in a public housing project.

"Economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.

"Elderly" or "elderly family" means a family whose head, spouse, or sole member is a person who is at least sixty-two years of age; or two or more persons who are at least sixty-two years of age living together; or one or more persons who are at least sixty-two years of age living with one or more live-in aides.

"Eligible family" means a family that meets the qualifications and requirements of the program for admission into federally-assisted public housing.

"Enclosed or partially enclosed" means closed in by a roof or overhang and at least one wall. Enclosed or partially enclosed areas include but are not limited to areas commonly described as public lobbies, lanais, interior courtyards, patios, and covered walkways.

"Exempt individual" means an individual who is exempt from complying with community service or self-sufficiency activities and which is further defined in 24 C.F.R. §960.601(b) as it existed on March 28, 2013.

"Extremely low-income family" means a family whose annual income does not exceed thirty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than thirty per cent of the median income for the area if HUD finds that such variations are

- (4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act as it existed on March 28, 2013;
- (5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. §8013) as it existed on March 28, 2013;
- (6) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. §17151 (d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. §17151 (d)(5)) as it existed on March 28, 2013;
- (7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. §1715z-1) as it existed on March 28, 2013; or
- (8) Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. §§1483, 1484) as it existed on March 28, 2013.

"Foster children" means a person or persons, under eighteen years of age who is or are not related to the foster parent by blood, marriage, or adoption and who is or are in need of parenting care.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster child pursuant to placement by an authorized agency.

"Gender identity" means actual or perceived gender-related characteristics.

"Hanai children" means a person or persons, under eighteen years of age, for whom an applicant or tenant provides food, nourishment and support for a minimum period of at least a year or has been recognized in the household for support by the department of human services and who is acknowledged as the applicant's or

adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than eighty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Multifamily dwelling" means a building containing more than two dwelling units.

"Near elderly family" means a family whose head, spouse, or sole member is at least fifty years of age but below the age of sixty two, or two or more persons, who are at least fifty years of age but below the age of sixty two, living with one or more live-in aides.

"PHA plan" means the authority's public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"Projects" means those rental properties owned or operated by the authority.

"Public housing" or "federally-assisted public housing" means housing assisted under the United States Housing Act of 1937, other than under Section 8 of that Act, and includes dwelling units in a mixed finance project that are assisted by the authority with capital or operating assistance.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific unit from any waiting list or an applicant's failure to respond to a written offer from the authority for a specific unit within the time specified in the offer.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

"Resident" means a United States citizen or a permanent United States resident who is able to demonstrate his or her intent to reside in Hawaii. Intent to reside in Hawaii may be demonstrated by the following: length of time spent in Hawaii; leasing or renting of a home in Hawaii; filing of personal Hawaii income tax returns; registering to vote in Hawaii. Hawaii driver's license; record of Hawaii motor vehicle registration; notification of hire to work in

"Utility reimbursement" means the amount, if any, by which the utility allowance for the unit exceeds the total tenant payment of the family occupying the unit.

"Very low-income family" means a family whose annual income does not exceed fifty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than fifty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Veteran" means any person who served in the military or naval forces of the United States who has been discharged or released from active service under conditions other than dishonorable.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-3 Income limits. (a) Income limits for an applicant's admission to a public housing project shall be as prescribed by HUD annual income limit guidelines.

(b) The authority shall adjust the income limits as established and required by HUD.

(c) Because the HUD income limits are mandatory and the authority has no discretion to amend or change the income limits, the income limits shall be established without a public hearing as provided in Chapter 91-3(d), HRS, as it existed on March 28, 2013. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.601; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-6 Occupancy standards. The authority and families shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by the housing codes of the county in which the units are located. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982 - 70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-7 Utility allowances. (a) The monthly rent for a family residing in a federally-assisted public housing project shall include utility allowances established in accordance with HUD's standards for utility allowances as described in 24 C.F.R. §965.505 as it existed on March 28, 2013.

(b) Utility allowances shall be calculated by determining the utility rate then multiplying it by the applicable quantity allowance. A schedule of applicable quantity allowances for lighting, electric domestic hot water heaters, miscellaneous electrical, gas domestic hot water heaters shall be developed annually and shall take into account relevant factors affecting consumption requirements, including:

- (1) The equipment and functions intended to be covered by the allowance for which the utility will be used;
- (2) The size of the dwelling units and the number of occupants per dwelling unit;
- (3) Type of construction and design of the housing project;
- (4) The energy efficiency of authority-supplied appliances and equipment;
- (5) The utility consumption requirements of appliances and equipment whose reasonable consumption is intended to be covered by the total tenant payment; and
- (6) Temperature of domestic hot water.

(c) The authority shall conduct a review of utility rates in January of each year as required by 24 C.F.R. §965.507 as it existed on March 28, 2013.

- (C) Estimated hours of use per day.
- (2) Allowances for miscellaneous electric equipment shall be based upon usage of a television, radio, miscellaneous small appliances, and a fan.
- (3) The allowance for refrigerators is based on the equipment in place at the time of survey.
- (4) Allowances for cooking shall be based on the equipment in place at the time of survey.
- (5) Allowances for electric domestic hot water heating shall be based on engineering calculations for each bedroom size assuming a certain number of occupants. The data used in the calculations include estimated consumption per occupant per day, temperature of incoming water, temperature of hot water supply, efficiency of heater, and energy required to heat water to supply temperature.
- (6) Allowance for solar domestic hot water shall be based on a cost analysis of a domestic hot water heating system.
- (7) Gas consumption allowances shall be developed using the same methodology as the electric consumption allowance.
- (g) The authority shall provide medical disability allowances for tenants who have provided proof of medical necessity to the authority. The quantity allowances for medical equipment shall be determined by taking the equipment's average energy consumption multiplied by the normal frequency of usage.
- (h) A family shall pay for utility usage in excess of the applicable utility allowance.
- (i) A family shall receive a utility reimbursement when the utility allowance exceeds the total family payment except where:
 - (1) The family is paying a flat rent;
 - (2) The utility reimbursement would result in a rent due to the authority below the minimum

§17-2028-9 Misrepresentation. An applicant may be denied admission to a housing project if the applicant has submitted false information, withheld information, or made wilful misstatements. A tenant who does the same may be denied continued eligibility and have the rental agreement terminated. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

previously participating in any section 8 rental subsidy program or any HUD rental assistance program;

- (E) Provide a social security number for all family members or certify that the person does not have a social security number;
- (F) Not have been evicted since March 1, 1985, from a public housing program administered by the authority or any of its predecessors, the housing and community development corporation of Hawaii or Hawaii housing authority;
- (G) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the date of the eviction unless the evicted tenant successfully completes a supervised drug rehabilitation program approved by the authority;
- (H) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;
- (I) Not be currently engaging in illegal use of a drug or give the authority reasonable cause to believe that a household member's illegal use (or pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants. For the purposes of this subsection:
 - (i) "Currently engaged in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; and
 - (ii) In determining whether to deny eligibility based on a pattern of

(1), above, as well as the following requirements:

- (A) Not engage in or threaten abusive or violent behavior toward the authority's staff. For purposes of this subsection, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate; and
- (B) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508 as it existed on March 28, 2013.

(b) An applicant's past performance in meeting financial obligations, especially rent, may be considered by the authority in its selection of families for admission into its federally-assisted public housing program.

(c) An applicant who is continuously assisted under the United States Housing Act of 1937, as amended, shall be admitted to the program as though the applicant was already a program participant. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 42 U.S.C. §13661; 24 C.F.R. §§5.216, 960.201, 960.202, 960.203, 960.204, 960.205; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-23 Notification of eligibility. (a) Upon making a determination of eligibility, the authority shall mail or cause to be delivered a written notification to an applicant. The

SUBCHAPTER 3

TENANT SELECTION

§17-2028-31 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.103; HRS §§356D-4, 356D-13, 356D-31, 515-3)

§17-2028-32 Income targeting. (a) Not less than forty per cent of families admitted to the program during the fiscal year from the waiting list shall be extremely low income families.

(b) To the extent allowed by 24 C.F.R. §960.202(b)(2) as it existed on September 5, 2013, admission of extremely low income families to the authority's Section 8 voucher program during the authority's fiscal year shall be credited against the targeting requirement in subsection (a). [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-33 Deconcentration. (a) For federally-assisted public housing projects, the authority shall give priority to applicants to ensure that, to the maximum extent feasible, the housing projects will include families with a broad range of income generally representative of low income families in the authority's area of operation. The authority shall not allow dwelling units to remain vacant awaiting an applicant who meets the appropriate income range.

single applicants, regardless of the other single applicant's local preference.

(d) An applicant shall not receive preference if any adult member of the applicant family is a person who was evicted or terminated from any federally-assisted housing or state-aided public housing program operated by the authority for a three-year period beginning on the date of eviction because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.204, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-35 Loss of preference. An applicant who declines one offer of a housing unit, without good cause, or who voluntarily requests cancellation of the application, shall lose all preferences for a period of twelve months from the date the offer was declined or from the date of the request for cancellation. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-36 Waiting list. (a) The authority shall maintain fifteen geographical waiting lists, which are community wide in scope and consist of all eligible applicants as follows:

(1) City and County of Honolulu

(A) Honolulu waitlist which is comprised of Ka'ahumanu Homes, Kalakaua Homes, Kalihi Valley Homes, Kamehameha Homes, Kuhio Homes, Mayor Wright Homes, Palolo Valley Homes, Punchbowl Homes, Pu'uwai Momi, Salt Lake Apartments, Spencer House, Kalanihuia, Makamae, Makua Ali'i, Paoakalani, and Pumehana;

(B) West Kauai waitlist which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha'aheo, Kawailehua, and Home Nani.

(b) Applicants shall be notified of the opportunity to apply for and be placed on one of the waiting lists through notices posted in a conspicuous place at the authority's offices that accept applications and printed statements in the authority's informational material on its application process.

(c) Placement of applications on the waiting list shall be based upon the following:

- (1) Size of dwelling unit required based on occupancy standards;
- (2) Type of dwelling unit required (e.g., accessible for persons with disabilities);
- (3) Local preference subject to income targeting and deconcentration policies and goals; and
- (4) Date and time of receipt of application.

(d) An applicant cannot remain on a waiting list if they are currently a tenant in any federal public housing program.

(e) An applicant shall notify the authority of any change which will affect applicant's place on the waiting list and the authority's ability to contact applicant. Changes include, but are not limited to, family status, financial status, preference status, mailing address, and current residence.

(f) An applicant may elect to change from one geographic waiting list to another geographic waiting list while maintaining the original date and time of their application upon proper written notice to the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: 24 C.F.R. §§960.206; HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-37 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

§17-2028-39 Offers. (a) An applicant shall be afforded one offer to rent a suitable unit.

(b) The offer to eligible applicants shall be made in sequence based upon the following:

- (1) Size of dwelling unit required;
- (2) Type of dwelling unit required (e.g. accessible units for the mobility, hearing or visually impaired);
- (3) Local preferences, subject to income targeting and deconcentration policies and goals; and
- (4) Date and time the application was received.

(c) Upon refusal of one offer, without good cause, the applicant's name will be cancelled from the waiting list on which the applicant's name has been placed.

(d) An applicant shall not be considered to have been offered a unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

- (1) The unit is not of the proper size or type and the applicant would be able to reside there only temporarily (e.g., a specially designed unit that is awaiting a person with a disability needing such a unit);
- (2) The unit offered is unsuitable for health or safety reasons for the applicant;
- (3) The applicant is unable to move at the time of the offer and presents clear evidence which substantiates this to the authority's satisfaction, including, but not limited to:
 - (A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
 - (B) A court verifies that the applicant is serving on a jury which has been sequestered; or
 - (C) A landlord verifies that the applicant has an existing rental agreement that cannot be breached without causing undue financial hardship.

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement.

[Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13)
(Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-52 Eligibility for continued occupancy.

(a) To be eligible for continued occupancy in a housing project, the tenant shall:

- (1) Qualify as a family;
- (2) Conform to the occupancy standards;
- (3) Abide by smoking prohibitions pursuant to section 17-2028-60;
- (4) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees of the authority; and
- (5) Except for an exempt individual, conform to the following community service and economic self-sufficiency requirements:
 - (A) Contribute eight hours per month of community service (not including political activities);
 - (B) Participate in an economic self-sufficiency program for eight hours per month; or

§17-2028-54 Reexamination results. (a) A family shall be given written notification within a reasonable time, after determination by the staff, of both the family's eligibility for continued occupancy and rent schedule.

(b) A family found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit unless the ineligibility is due to noncompliance with community service requirements pursuant to 24 C.F.R. Part 960, Subpart F as it existed on March 28, 2013. In such cases of noncompliance with community service requirements, the rental agreement shall not be renewed at the end of the twelve month term unless:

- (1) The tenant, and any other noncompliant family member, enter into a written agreement with the authority, in the form and manner required by the authority, to cure such noncompliance in accordance with such agreement; or
- (2) The family provides written assurance satisfactory to the authority that the tenant or other noncompliant family member no longer resides in the unit.

(c) A family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter 17-2021. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 960.607, 966.4, 966.51; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next twelve-month period, the authority may schedule a special reexamination at any time prior to the next annual reexamination when deemed necessary. [Eff 7/21/05; am and comp 9/4/07; comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.609; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-57 Tenant transfers. (a) Tenant transfers shall be made without regard to race, sex, color, creed, age, religion, gender identity, sexual orientation, handicap, national origin, or familial status.

(b) The authority may transfer a family to another dwelling unit:

- (1) To prevent overcrowding or under utilization of a dwelling unit as determined by the authority at the time of the annual or interim reexamination;
- (2) To preserve the purpose for which a project or unit was specifically developed or designed such as to meet the needs of the elderly or persons with disabilities;
- (3) Based on an emergency where conditions of the dwelling unit, building or project pose an immediate, verifiable threat to life, health or safety of the family;
- (4) For economic reasons affecting the tenant or the authority;
- (5) For administrative reasons determined by the authority including, but not limited to, permitting modernization, renovation, or rehabilitation work and transferring eligible tenants with disabilities from State-aided public housing projects to federally-assisted public housing projects; or
- (6) As a reasonable accommodation.

(c) Tenant transfers may take priority over new admissions.

(d) A family shall be afforded one offer to transfer to a unit that meets the criteria set forth in (b) above within the same housing project in which the family resides. If such unit is not available, the family may then be offered a unit in another housing project under the control of the management unit. If such a unit is not available, the family may then be offered a suitable unit on the island on which the family resides. Declining an offer to transfer

full balance of backcharges as stated in subsection
 (a). [Eff 7/21/05; am and comp 9/4/07; am and
 comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13)
 (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-
 31)

§17-2028-59 Rental agreement termination. (a)

A family shall give the authority at least twenty-eight days written notice that the family will vacate the family's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when the tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

- (1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the authority or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of occupancy. This includes but is not limited to the following:
 - (A) Serious or repeated violation of the material terms of the rental agreement, including failure to make payments due or fulfill household obligations set forth in the rental agreement;
 - (B) Failure to provide family income, assets, employment and composition information and documentation to enable the authority to determine the family's rental rate and eligibility for continued occupancy;
 - (C) Family no longer conforms to the occupancy limits as established by the authority for the unit occupied by the family and the family refuses to move to the first appropriate size unit offered;
 - (D) When requested by the authority due to health and safety, repair, abatement, construction or renovation of the

any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;

- (7) Fails to maintain utility services;
- (8) Has been convicted of a felony during the term of the tenancy, and the felony is related to the authority's property or funds, the resident association or tenant association's property or funds, homicide, assault, terroristic threatening, firearms, dangerous weapons, kidnapping, sexual assault, extortion, burglary, unauthorized control of propelled vehicle, and criminal property damage. This subsection does not apply to tenant's guest or other person under tenant's control;
- (9) Flees to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- (10) Violates a condition of probation or parole imposed under federal or state law; or
- (11) Engages in wilful damage to the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement that conforms to 24 C.F.R. §966.4 as it existed on March 28, 2013, such as:

- (1) Fourteen days in the case of failure to pay rent except for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a financial hardship exemption pursuant to section 17-2028-61(b);

2013 that was given subsequent to tenant placement in the dwelling unit.

(c) Where smoking is not prohibited in a dwelling unit pursuant to subsection (a) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay a non-refundable monthly fee of \$5.00.

(d) The authority may discontinue the monthly fee required in subsection (c) when a family can demonstrate to the authority reasonable cause to believe that no member of the household continues to smoke. For the purposes of this subsection:

- (1) "Reasonable cause to believe" means by a preponderance of the evidence; and
- (2) In determining whether to discontinue charging the monthly fee, the authority may consider completion of a smoking cessation program. [Eff and comp **MAY 24 2014**] (Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §§903.7, 966.3; HRS §§356D-4, 356D-13, 356D-31)

(e) When the authority determines a qualifying financial hardship is long term, the authority shall exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(f) When the authority determines that there is no qualifying financial hardship exemption, the authority shall reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family shall be responsible for backcharges as established in section 17-2028-58 and shall not be eligible for payment arrangements as provided under section 17-2028-58(b). [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 5.630; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-62 Choice of rent. Once a year, the authority shall give each family the opportunity to choose between two methods of determining the monthly tenant rent. The family may choose to pay either a flat rent or income-based rent.

(a) The flat rent shall be the fair market rents ("FMRs") that are determined by HUD, at least annually, pursuant to 24 C.F.R. §888.113 as it existed on March 28, 2013. These FMRs, which include utilities (exclusive of telephone and cable television), are established for dwelling units of various bedroom sizes. Because the FMRs are determined by HUD and the authority has no discretion to amend or change the FMRs, the FMRs shall be established without a public hearing as provided in Section 91-3(d), HRS.

(b) The income-based rent is based on thirty per cent of the family's monthly adjusted income or ten per cent of the family's monthly income, or the minimum rent set forth in section 17-2028-61, whichever is greater.

(b) Where smoking is not prohibited in a dwelling unit pursuant to section 17-2028-60(c) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay an initial refundable smoking deposit of \$75.00.

(c) The authority may charge a non-refundable community facilities maintenance fee of not less than one per cent of the community facilities expenses for rental and use for private functions. Resident associations that are duly recognized by the authority shall be exempt from the payment of this deposit.

[Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-64 Other Charges. The authority may charge a family, in addition to monthly rent and applicable utility charges, the following:

(a) A late fee of \$25.00 if the monthly rent is paid after the seventh business day of that month;

(b) A dishonored check fee of \$25.00 for every check made payable to the authority that is returned for insufficient funds; and

(c) Maintenance costs which includes repair costs related to damages to the dwelling unit or appliances or equipment furnished by the authority, in excess of ordinary wear and tear, and for any repairs to project buildings, facilities, or common areas required because of the wrongful act or negligence of the family or the family's guest or visitor.

[Eff and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

- (1) Sending informational brochures to each family participating in the authority federal public housing program;
- (2) Conducting orientation sessions for families who express an interest in participating in the family self-sufficiency program; and
- (3) Identifying and targeting potential families in the authority's caseloads.

[Eff 7/21/05; am and comp 9/4/07; comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-74 Selection. (a) Families will be selected without regard to race, color, religion, sex, disability, gender identity, sexual orientation, familial status, or national origin.

(b) Families will be selected by date of receipt of the family self-sufficiency application.

(c) In the event there are more applicants than family self-sufficiency allocations available, the authority shall conduct a lottery to determine placement on the waiting list.

(d) Initially, up to twenty-five tenants may be selected to participate in the family self-sufficiency program. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-75 Termination or withholding of service. (a) The authority shall monitor and assess the family self-sufficiency participant's progress and compliance with the goals set forth in the contract of participation. When the authority determines that the family self-sufficiency participant is not making progress or complying with the goals of the contract of participation, the authority shall notify the family self-sufficiency participant of such determination and provide the family self-sufficiency

SUBCHAPTER 7

SPECIAL PROGRAMS

§17-2028-81 Special programs. The authority may administer programs that are created for special or specific purposes to benefit specific categories of persons pursuant to HUD regulations governing those programs. This may include selection from wait lists and lists of participants using criteria that are different from those provided in this chapter.

[Eff 7/21/05; am and comp 9/4/07;
comp MAY 24 2014] (Auth: HRS §§356D-4, 356D-13)
(Imp: 24 C.F.R. 960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-82 Occupancy by police officers. (a) For purposes of this section, "police officer" means a person determined by the authority to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, State or local government or by any agency of these governments.

(b) For the purpose of increasing security for tenants of a public housing project, the authority may allow police officers that would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit.

(c) The authority shall include in the PHA annual plan or supporting documents the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing tenants.

SUBCHAPTER 8

HOUSEHOLD PETS

§17-2028-91 Pet ownership. (a) The authority may permit pet ownership by tenants of public housing, subject to compliance with the authority's pet policy established in the PHA plan.

(b) This subchapter does not apply to animals that assist, support or provide service to persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.705, 960.707; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-92 Conditions for pet ownership. (a) A tenant shall comply with the authority's reasonable conditions for pet ownership that include, but are not limited to, the following:

- (1) Obtaining a permit from the authority to own a pet pursuant to the requirements set forth in the authority's pet policy established in the PHA plan; and
- (2) Complying with the authority's rules for pet ownership.

(b) The authority may revoke a pet permit for the following reasons:

- (1) The authority determines that the pet is not properly cared for;
- (2) The pet presents a threat to the safety and security of other tenants, employees of the authority, contractors and others on the premises;
- (3) The pet is destructive or causes an infestation;
- (4) The pet disturbs other tenants for reasons including, but not limited to, noise, odor, cleanliness, sanitation, and allergic reactions;

SUBCHAPTER 9

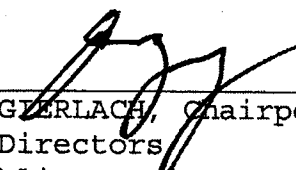
MISCELLANEOUS PROVISIONS

§17-2028-101 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances, is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances, shall not be affected. [Eff 7/21/05; am and comp 9/4/07; comp **MAY 24 2014**] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §1-23)

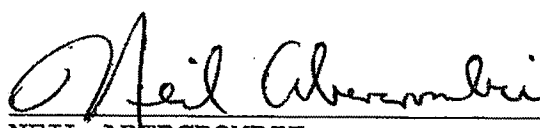
§17-2028-102 Number and gender. Words in the singular or plural number and masculine gender shall have the same meaning as defined in section 1-17, HRS." [Eff 7/21/05; am and comp 9/4/07; comp **MAY 24 2014**] (Auth: HRS §356D-4, 356D-13) (Imp: HRS §1-17)

Amendments to and compilation of chapter 2028, title 17, Hawaii Administrative Rules, on the Summary Page dated March 20, 2014 were adopted on March 20, 2014 after public notice was given in the Honolulu Star-Advertiser, the Maui news, the Garden Island News, West Hawaii Today, and the Hawaii Tribune Herald on January 28, 2014.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.



DAVID J. GIERLACH, Chairperson
Board of Directors
Hawaii Public Housing Authority




NEIL ABERCROMBIE
Governor
State of Hawaii

Dated: 5-12-14

Filed

APPROVED AS TO FORM:



Deputy Attorney General

55.611

24 CFR Subtitle A (4-1-00 Edition)

and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

(b) **Annualization of income.** If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the PHA believes that past income is the best available indicator of expected future income, the PHA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

(c) **If it is not feasible to anticipate a level of income over a 12-month period,** the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

(1) FR 5408, Oct. 12, 1988, as amended at 61 FR 10716, Mar. 29, 1996.

EFFECTIVE DATE NOTE: At 65 FR 10716, Mar. 29, 2000, 55.611 was amended by removing and reserving paragraph (c)(1)(i) by revising paragraph (c)(1)(vi) and (c); and by removing paragraph (c), effective Apr. 11, 2000. For the convenience of the user, the superseded text is set forth as follows:

55.608 Annual income.

(c) ...
(1) ...

(iv) **Assistance provided.** Under a resident service agreement, a resident service support is a resident support (not to exceed \$200 per month) received by a resident for performing a service for the PHA, or owner, on a part-time basis that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident information coordination. No resident may receive more than one such stipend during the same period of time.

(d) **For public housing only.** In addition to the exclusions from annual income covered in paragraph (c) of this section, a PHA may have additional exclusions for earned income pursuant to an approved written policy.

(i) In establishing such a policy, a PHA may adopt one or more of the following types of earned income exclusions, including variations thereof:

(1) Exclude all or part of the family's earned income.

(ii) Apply the exclusion only to new sources of earned income or only to increases in earned income.

(iii) Apply the exclusion to the earned income of the head, the spouse, or any other family member age 18 or older.

(iv) Apply the exclusion only to the earned income of persons other than the primary earner.

(v) Apply the exclusion to recipients newly admitted families, existing tenants, or persons joining the family.

(vi) Make the exclusion temporary or permanent, for the PHA, the family, or the affected family member.

(vii) Make an exclusion grandfathered, so that more earned income is excluded at first and less earned income is excluded after a period of time.

(viii) Exclude any or all of the costs that are incurred in order to go to work but are not compensated, such as the cost of special tools, equipment, or clothing.

(ix) Exclude any or all of the costs that result from earning income, such as social security taxes or other taxes that are withheld in payroll deductions.

(x) Exclude any portion of the earned income that is not available to meet the family's own needs, such as amounts that are paid up someone outside the family for all-day or child support, and:

(i) Exclude any portion of the earned income that is necessary to replace benefits lost because a family member's income was employed, such as amounts that the family pays for medical costs or to obtain medical insurance.

(2) Any amounts that are excluded from annual income under this paragraph (d) may not also be deducted in determining adjusted income, as defined in 55.611.

(3) Housing agencies do not need HUD approval to adopt optional earned income exclusions.

(4) In the calculation of Performance Funding System operating subsidy eligibility, housing agencies will have to submit a list of actual income that results from the application of any of the optional earned income exclusions discussed in paragraph (d)(1) of this section, including any variations of the listed options.

55.611 M.J.d.

Adjusted income means annual income (as determined by the responsible entity) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

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project because there is an insufficient number of potential applicants who are very low-income families.

(iv) Commitment of an owner to attaining occupancy by families with a broad range of incomes, as evidenced in the application for development. An application citing this basis should be supported by evidence that the owner is pursuing this goal throughout its assisted projects in the community; and

(v) Project supervision by a State Housing Finance Agency having a policy of occupancy by families with a broad range of incomes, supported by evidence that the Agency is pursuing this goal throughout its assisted projects in the community; or a project with financing through Section 11(b) of the 1937 Act (42 U.S.C. 1437d) or under Section 182 of the Internal Revenue Code (26 U.S.C. 182).

(2) For public housing only: (i) Need for attainment of a broader range of tenants to obtain full occupancy;

(ii) Local commitment to attaining occupancy by families with a broad range of incomes. An application citing this basis should be supported by evidence that the PHA is pursuing this goal throughout its housing program in the community;

(iii) Need for higher income to maintain homeownership eligibility in a homeownership project; and

(iv) Need to avoid displacing low-income families from a project acquired by the PHA for rehabilitation.

(c) Action on request for exception. Whether to grant any request for exception is a matter committed by law to HUD's sole discretion, and no implication is intended to be created that HUD will seek to grant approvals up to the maximum limits permitted by statute, nor is any presumption of an entitlement to an exception created by the specification of certain grounds for exception that HUD may consider. HUD will review exceptions granted to owners and PHAs at regular intervals. HUD may withdraw permission to exercise those exceptions for program applicants at any time that exceptions are not being used or after a periodic review, based on the findings of the review.

(d) Reporting. PHAs and owners shall comply with HUD-prescribed reporting

requirements that will permit HUD to maintain the reasonably current data necessary to monitor compliance with the income eligibility restrictions described in paragraph (a) of this section.

(e) Inapplicability to certain scattered site housing. The income eligibility restrictions described in paragraph (a) of this section do not apply to scattered site public housing dwelling units sold or intended to be sold as public housing tenants under section 5(b) of the 1937 Act (42 U.S.C. 1437d(b)).

(f) Inapplicability to the Section 8 Rental Voucher and Rental Certificate Programs. The provisions of this section do not apply to the Section 8 Rental Voucher and Section 8 Rental Certificate Programs.

(Approved by the Office of Management and Budget under Central number 2501-0104)

EFFECTIVE DATE NOTE: At 65 FR 16714, Mar. 23, 2000, §5.609 was removed, effective Apr. 23, 2000.

FAMILY INCOME

§5.609 Annual Income.

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(b) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(c) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital expenditures shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a

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(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(vi) Temporary, nonrecurring or sporadic income (including gifts);

(vii) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(viii) Earnings in excess of \$400 for each full-time student 18 years old or older (excluding the head of household and spouse);

(ix) Adoption assistance payments in excess of \$400 per adopted child;

(x) For public housing only: (i) The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1981, section 22 of the 1937 Act

(ii U.S.C. 1437c), or any comparable Federal, State, or local law during the exclusion period.

(ii) For purposes of this paragraph, the following definitions apply:

(A) Comparable Federal, State or local law means a program providing employment training and supportive services that—

(1) Is authorized by a Federal, State or local law;

(2) Is funded by the Federal, State or local government;

(3) Is operated or administered by a public agency; and

(4) Has as its objective to assist participants in acquiring employment skills.

(B) Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

(C) Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job;

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the FEDERAL REGISTER

§5.603

24 CFR Subtitle A (4-1-00 Edition)

§5.603 Purpose and applicability.

(a) This subpart establishes definitions and requirements concerning income limits for admission, annual income, adjusted income, total grant payment, utility allowances, and reimbursement, and reimbursement of income and family composition for:

(1) HUD's public housing programs, including its public housing homeownership programs;

(2) Housing assisted under section 8 of the United States Housing Act of 1937 (the 1937 Act) (42 U.S.C. 1437);

(3) Section 5.603 (Total grant payment) and the definitions of "tenant rent" and "total grant payment" found in §5.603 do not apply to the Section 8 Rental Voucher Program;

(4) Section 5.603 (Utility reimbursement) and the definition of utility reimbursement found in §5.603 also do not apply to the Section 8 Rental Voucher Program. For the Voucher Program, in cases where the amount of the HAP payment exceeds the rent to be paid, the excess will be paid to the family;

(5) Section 5.603 (Income limits for admission) does not apply to the Section 8 Rental Voucher and Rental Certificate Programs;

(6) Applications and notices issued under sections 5(a) and 5(b) of the 1937 Act as amended, as amended by the Housing and Community Development Act of 1974 (42 U.S.C. 1410 and 1411b (1976 ed.)),

(7) This subpart does not apply to HUD's Indian housing programs. The analogous rule that applies to Indian housing is located at 24 CFR part 92.

§5.603 Definitions.

As used in this subpart:

(a) *Terms found elsewhere in part 5—(1) Subject A.* The terms 1937 Act, elderly person, public housing, public housing agency (PHA), and Section 8 are defined in §5.100.

(2) *Subject B.* The terms "disabled family", "elderly family", "family", "live-in aide", and "person with disabilities" are defined in §5.601.

(b) The following terms shall have the meanings set forth below:

Adjusted income. See §5.611.

Annual income. See §5.608.

Child care expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent

such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Economic self-sufficiency program. Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workforce, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Family. A family whose annual income does not exceed 80 percent of the median income for the area.

Family head. A person who is attending school or vocational training on a full-time basis.

Family income. See §5.611.

Family size. See §5.611.

Family unit. A family whose annual income does not exceed 80 percent of the median income for the area.

§ 5.405

of "full-time student", "tenant rent", and "utility reimbursement", and by adding definitions of "economic self-sufficiency program", "extremely low income family", "imputed welfare income", "low income family", "very low income family", and "work activities", and in the definition of "owner", by removing the phrase "24 CFR part 881" and replacing it with "part 881 of this title", effective Apr. 24, 2000. For the convenience of the user, the superseded text is set forth as follows:

§ 5.405 Definitions.

(a) The terms *elderly person*, *low-income family*, *person with disability*, *State*, and *very low-income family* are defined in section 3(b) of the HUD Act (42 U.S.C. 1437a(b)).

(b) The terms *HUD Act* and *public housing agency (PHA)* are defined in § 5.403.

(c) The terms *disabled family*, *elderly family*, *family*, and *live-in aide* are defined in § 5.403.

Full-time student. A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Tenant rent. The amount payable monthly by the family as rent to the PHA or owner, as applicable. Where all utilities (except telephone) and other financial housing services are supplied by the PHA or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other financial housing services are supplied by the PHA or owner, and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance.

Utility reimbursement. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

§ 5.405 Overall income eligibility for admission.

No family other than a low-income family shall be eligible for admission to a program covered by this part.

24 CFR Subtitle A (4-1-00 Edition)

EFFECTIVE DATE NOTE: At 45 FR 16714, May 12, 2000, § 5.405 was removed, effective Apr. 24, 2000.

§ 5.407 Income limits for admission.

(a) **General.**—(1) Admission to units available before October 1, 1981. Not more than 25 percent of the dwelling units that were available for occupancy under Annual Contributions Contracts (ACC) and Section 8 Housing Assistance Payments (HAP) Contracts taking effect before October 1, 1981 and that are leased on or after that date shall be available for leasing by low-income families other than very low-income families. HUD reserves the right to limit the admission of low-income families other than very low-income families to these units.

(2) Admission to units available on or after October 1, 1981. No more than 15 percent of the dwelling units that initially become available for occupancy under Annual Contributions Contracts (ACC) and Section 8 Housing Assistance Payments (HAP) Contracts on or after October 1, 1981 shall be available for leasing by low-income families other than very low-income families. Except with the prior approval of HUD under paragraphs (b) and (c) of this section, no low-income family other than a very low-income family shall be admitted to these units.

(b) **Request for exception.** A request by a PHA or owner for approval of admission of low-income families other than very low-income families to units described in paragraph (a)(2) of this section must state the basis for requesting the exception and provide supporting data. Bases for exceptions that may be considered include the following:

(1) **For Section 8 Programs:** (i) Low-income families that would otherwise be displaced from Section 8 Substantial Rehabilitation or Moderate Rehabilitation projects;

(ii) Low-income families that are displaced as a result of Rental Rehabilitation or Development activities assisted under section 17 of the HUD Act (42 U.S.C. 1437d), or as a result of activities under the Rental Rehabilitation Demonstration Program;

(iii) Need for admission of a broader range of tenants to preserve the financial or management viability of a

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Social Security Act (42 U.S.C. 418(i)(1); 1323c), and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or

(ii) is a primary caretaker of such individual;

(3) is engaged in work activities;

(4) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or

(5) is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

Service requirement. The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program required in accordance with § 940.603.

§ 940.603 General requirements.

(a) **Service requirement.** Except for any family member who is an exempt individual, each adult resident of public housing must:

(1) Contribute 8 hours per month of community service (not including political activities); or

(2) Participate in an economic self-sufficiency program for 8 hours per month; or

(3) Perform 8 hours per month of combined activities as described in paragraphs (a)(1) and (a)(2) of this section.

(b) **Family selection of service requirement.** The lease shall specify that it shall be enforced automatically for all purposes unless the family fails to comply with the service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of ten-

ancy during the course of the twelve month lease term (see § 940.411(2)(i) of this chapter).

§ 940.606 How PHA administers service requirements.

(a) **PHA policy.** Each PHA must develop a local policy for administration of the community service and economic self-sufficiency requirements for public housing residents.

(b) **Administration of qualifying community service or self-sufficiency activities for residents.** The PHA may administer qualifying community service or economic self-sufficiency activities directly, or may make such activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions.

(c) **PHA responsibilities.** (1) The PHA policy must describe how the PHA determines which family members are subject to or exempt from the service requirement, and the process for determining any changes to exempt or non-exempt status of family members.

(2) The PHA must give the family a written description of the service requirement, and of the process for claiming status as an exempt person and for PHA verification of such status. The PHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt persons.

(3) The PHA must review family compliance with service requirements, and must verify such compliance annually at least thirty days before the end of the twelve month lease term. If qualifying activities are administered by an organization other than the PHA, the PHA shall obtain verification of family compliance from such third parties.

(4) The PHA must retain reasonable documentation of service requirement performance or exemption in participation.

(5) The PHA must comply with nondiscrimination and equal opportunity requirements listed at § 9.155(a) of this title.

OCCUPANCY STANDARDS

Building Code Guidelines for Determining Occupancy

I. City and County of Honolulu (Oahu)

A. One (1) or more bedrooms

1. Living Room (minimum size is 150 sq. ft.)
Measure living room area (do not include kitchen area, but may include dining space if in one area)

1 st 70 sq. ft.	2 persons
each additional 50 sq. ft.	1 person per 50 sq. ft.

2. Bedrooms

Measure bedroom area (do not include closet, halls, bathrooms)

1 st 70 sq. ft.	2 persons
each additional 50 sq. ft.	1 person per 50 sq. ft.

B. Efficiency Units (Studios)

Measure living room area (do not include kitchen area, but may include dining space if in one area)

1 st 70 sq. ft.	2 persons
each additional 100 sq. ft.	1 person per 100 sq. ft.

II. County of Maui (Maui, Lanai and Molokai)

A. One (1) or more bedrooms

1. Living Room - Cannot be used as a sleeping area

2. Bedrooms

Measure bedroom area (do not include closet, halls, bathrooms)

1 st 70 sq. ft.	2 persons
each additional 50 sq. ft.	1 person per 50 sq. ft.

B. Efficiency Units (studios)

Measure living room area (do not include kitchen area, but may include dining space if in one area)

1 st 70 sq. ft.	2 persons
each additional 100 sq. ft.	1 person per 100 sq. ft.

Exhibit B

LIGHTING USAGE TABLES

 NPE, Inc.

27 23

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LIGHTING USAGE TABLE

PROJECT: HCDCH

NUMBER OF BEDROOMS: 2

AREA NAME	NUMBER OF FIXTURES	WATTS PER FIXTURE	HOURS PER DAY	HOURS PER YEAR	KWH PER YEAR
Porches	2	60	3	1095	131
Kitchen	1	120	4	1460	175
Bathroom	1	120	2	730	88
Bedroom	2	120	3	1095	263
Lamps	3	60	4	1460	263
Living Room	1	120	5	1825	219
Hall/Stairs	2	60	3	1095	131
Closet	0	0	1	365	0
Dining Room	0	0	2	730	0
Utility	0	0	1	365	0
Storage	0	0	1	365	0
Pantry	0	0	2	730	0
TOTAL					1270

LIGHTING USAGE TABLE

PROJECT: HCDCH

NUMBER OF BEDROOMS: 3

AREA NAME	NUMBER OF FIXTURES	WATTS PER FIXTURE	HOURS PER DAY	HOURS PER YEAR	KWH PER YEAR
Porches	2	60	3	1095	131
Kitchen	1	120	4	1460	175
Bathroom	1	120	2	730	88
Bedroom	3	120	3	1095	394
Lamps	4	60	4	1460	350
Living Room	1	120	5	1825	219
Hall/Stairs	2	60	3	1095	131
Closet	0	0	1	365	0
Dining Room	0	0	2	730	0
Utility	0	0	1	365	0
Storage	0	0	1	365	0
Pantry	0	0	2	730	0
TOTAL					1489

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**CALCULATIONS FOR ELECTRIC DOMESTIC
HOT WATER HEATERS**

 NPC Inc.

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CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 1 BR
Unit Type:	1 BR
Number of Bedrooms:	1 Bedrooms
Estimated Number of Occupants:	2 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	30 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	100%
Assumed Standing Pilot?	no
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Electric
Pilot Consumption:	kBtu/yr
Total Energy Lost:	680 kBtu/yr
Consumption Energy Required:	<u>5,687</u> kBtu/yr
Total Energy Required:	6,367 kBtu/yr
Primary Fuel Required:	1,866 kWh/Year

CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 3 BR
Unit Type:	3 BR
Number of Bedrooms:	3 Bedrooms
Estimated Number of Occupants:	5 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	40 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	100%
Assumed Standing Pilot?	no
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Electric
Pilot Consumption:	kBtu/yr
Total Energy Lost:	827 kBtu/yr
Consumption Energy Required:	14,217 kBtu/yr
Total Energy Required:	15,044 kBtu/yr
Primary Fuel Required:	4,498 kWh/Year

CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 5 BR
Unit Type:	5 br
Number of Bedrooms:	5 Bedrooms
Estimated Number of Occupants:	9 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	40 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	100%
Assumed Standing Pilot?	no
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Electric
Pilot Consumption:	kBtu/yr
Total Energy Lost:	827 kBtu/yr
Consumption Energy Required:	<u>25,520</u> kBtu/yr
Total Energy Required:	26,417 kBtu/yr
Primary Fuel Required:	7,740 kWh/Year

Housing and Community Development Corporation of Hawaii

Miscellaneous Electrical Allowances (all in kWh)

Bedroom Size	Television	Radio	Small Appliances	Fan	Total Annual Consumption	Total Monthly Consumption
0	250	35	300	25	610	51
1	250	35	350	25	661	55
2	250	35	375	50	712	59
3	250	35	400	70	756	63
4	250	35	425	100	814	68
5	250	35	450	125	865	72

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CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 0 BR
Unit Type:	0 BR
Number of Bedrooms:	0 Bedrooms
Estimated Number of Occupants:	1 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	30 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	75%
Assumed Standing Pilot?	yes
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Natural Gas
Pilot Consumption:	3,504 kBtu/yr
Total Energy Lost:	680 kBtu/yr
Consumption Energy Required:	2,843 kBtu/yr
Total Energy Required:	7,027 kBtu/yr
Primary Fuel Required:	94 Therms/Year

CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 2 BR
Unit Type:	2 BR
Number of Bedrooms:	2 Bedrooms
Estimated Number of Occupants:	3 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	30 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	75%
Assumed Standing Pilot?	yes
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Natural Gas
Pilot Consumption:	3,504 kBtu/yr
Total Energy Lost:	680 kBtu/yr
Consumption Energy Required:	8,530 kBtu/yr
Total Energy Required:	12,714 kBtu/yr
Primary Fuel Required:	178 Therms/Year

CALCULATIONS FOR DOMESTIC HOT WATER HEATERS

Project Name: Name	HCDCH 4 BR
Unit Type:	4 BR.
Number of Bedrooms:	4 Bedrooms
Estimated Number of Occupants:	7 Occupants
Estimated Consumption Rate:	14 Gallons/Occupant/Day
Specific Heat of Water:	1.00 Btu/lb/F
Specific Volume of Water:	62.32 lb/cf
Volume Conversion:	7.48 gal/cf
Heuristic Exponent:	0.68
Estimated Service Water Inlet Temperature:	55 F
Hot Water Supply Temperature:	120 F
Delta T:	65 F
Calendar Schedule:	365 days/yr
Daily Schedule:	24 hrs/day
Total Operating Hours:	8,760 hrs/yr
Estimated Air Temperature At Tank:	72 F
Estimated Tank Size:	40 gal
Assumed Tank Insulation (R-Value):	12.00 F-sf-hr/Btu
R-Value of Shell Plus Air:	0.62 F-sf-hr/Btu
Estimated System Efficiency:	75%
Assumed Standing Pilot?	yes
Pilot Consumption Rate:	400 Btu/hr
Fuel Type:	Natural Gas
Pilot Consumption:	3,504 kBtu/yr
Total Energy Lost:	827 kBtu/yr
Consumption Energy Required:	<u>19,903</u> kBtu/yr
Total Energy Required:	24,234 kBtu/yr
Primary Fuel Required:	323 Therms/Year

"Rehabilitation 42 USC §13661(b) (2) (A) - (C)"

Exhibit I

[Law in effect as of January 6, 1999] [Document not affected by Public Laws enacted between January 6, 1999 and October 26, 2000] [CITE: 42USC13661]

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 135--RESIDENCY AND SERVICE REQUIREMENTS IN FEDERALLY ASSISTED HOUSING

SUBCHAPTER V--SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

Sec. 13661. Screening of applicants for federally assisted housing

(a) Ineligibility because of eviction for drug crimes

Any tenant evicted from federally assisted housing by reason of drug-related criminal activity (as such term is defined in section 1437a(b) of this title) shall not be eligible for federally assisted housing during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).

(b) Ineligibility of illegal drug users and alcohol abusers

(1) In general

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member--

(A) who the public housing agency or owner determines is illegally using a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) Consideration of rehabilitation

In determining whether, pursuant to paragraph (1) (B), to deny admission to the program or federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member--

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no

"Evidence of Citizenship or Eligible Immigrant Status (24 CFR §5.508)"

§5.508

family residing in the unit is determined to have eligible status, as described in paragraph (a) of this section, or unless the family meets the conditions set forth in paragraph (b)(2) of this section.

(2) Despite the ineligibility of one or more family members, a mixed family may be eligible for one of the three types of assistance provided in §§5.515 and 5.518. A family without any eligible members and receiving assistance on June 30, 1985 may be eligible for temporary deferral of termination of assistance as provided in §§5.515 and 5.518.

§5.508 Submittal of evidence of citizenship or eligible immigration status.

(a) General. Eligibility for assistance or continued assistance under a Section 234 covered program is contingent upon a family's submission to the responsible entity of the documents described in paragraph (b) of this section for each family member. If one or more family members do not have citizenship or eligible immigration status, the family members may exercise the election not to contend to have eligible immigration status as provided in paragraph (c) of this section, and the provisions of §§5.515 and 5.518 shall apply.

(b) Evidence of citizenship or eligible immigration status. Each family member, regardless of age, must submit the following evidence to the responsible entity.

(1) For U.S. citizens or U.S. nationals, the evidence consists of a signed declaration of U.S. citizenship or U.S. nationality. The responsible entity may request verification of the declaration by requiring presentation of a United States passport or other appropriate documentation, as specified in HUD guidance.

(2) For noncitizens who are 21 years of age or older or who will be 21 years of age or older and receiving assistance under a Section 234 covered program on September 30, 1985 or applying for assistance on or after that date, the evidence consists of:

(i) A signed declaration of eligible immigration status; and

(ii) Proof of age document.

(3) For all other noncitizens, the evidence consists of:

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(i) A signed declaration of eligible immigration status;

(ii) One of the DHS documents referred to in §5.518; and

(iii) A signed verification consent form.

(c) Declaration. (1) For each family member who contends that he or she is a U.S. citizen or a noncitizen with eligible immigration status, the family must submit to the responsible entity a written declaration, signed under penalty of perjury, by which the family member declares whether he or she is a U.S. citizen or a noncitizen with eligible immigration status.

(i) For each adult, the declaration must be signed by the adult.

(ii) For each child, the declaration must be signed by an adult residing in the assisted dwelling unit who is responsible for the child.

(2) For housing covered programs: The written declaration may be incorporated as part of the application for housing assistance or may constitute a separate document.

(d) Verification consent form--(1) Who signs. Each noncitizen who declares eligible immigration status (except certain noncitizens who are 21 years of age or older as described in paragraph (b)(2) of this section) must sign a verification consent form as follows.

(i) For each adult, the form must be signed by the adult.

(ii) For each child, the form must be signed by an adult residing in the assisted dwelling unit who is responsible for the child.

(2) Notice of release of evidence by responsible entity. The verification consent form shall provide that evidence of eligible immigration status may be released by the responsible entity without responsibility for the further use or transmission of the evidence by the entity receiving it, to:

(i) HUD, as required by HUD; and

(ii) The DHS for purposes of verification of the immigration status of the individual.

(3) Notice of release of evidence by HUD. The verification consent form also shall notify the individual of the possible release of evidence of eligible immigration status by HUD. Evidence of eligible immigration status shall

§5.510

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reside in the assisted unit), the required evidence shall be submitted at the first interim or regular reexamination following the person's occupancy.

(4) *Changing participation in a HUD program.* Whenever a family applies for admission to a Section 214 covered program, evidence of eligible status is required to be submitted in accordance with the requirements of this subpart unless the family already has submitted the evidence to the responsible entity for a Section 214 covered program.

(5) *One-time evidence requirement for continuous occupancy.* For each family member, the family is required to submit evidence of eligible status only one time during continuous assisted occupancy under any Section 214 covered program.

(b) *Extensions of time to submit evidence of eligible status.* (1) When extension must be granted. The responsible entity shall extend the time, provided in paragraph (a) of this section, to submit evidence of eligible immigration status if the family member:

(i) Submits the declaration required under §5.509(a) certifying that any person for whom required evidence has not been submitted is a noncitizen with eligible immigration status; and

(ii) Certifies that the evidence needed to support a claim of eligible immigration status is temporarily unavailable, additional time is needed to obtain and submit the evidence, and prompt and diligent efforts will be undertaken to obtain the evidence.

(2) *Thirty-day extension period.* Any extension of time, if granted, shall not exceed thirty (30) days. The additional time provided should be sufficient to allow the individual the time to obtain the evidence needed. The responsible entity's determination of the length of the extension needed shall be based on the circumstances of the individual case.

(3) *Grant or denial of extension to be in writing.* The responsible entity's decision to grant or deny an extension as provided in paragraph (b)(1) of this section shall be issued to the family by written notice. If the extension is granted, the notice shall specify the extension period granted (which shall not exceed thirty (30) days). If the exten-

sion is denied, the notice shall explain the reasons for denial of the extension.

(i) *Failure to submit evidence or to establish eligible status.* If the family fails to submit required evidence of eligible immigration status within the time period specified in the notice, or any extension granted in accordance with paragraph (b) of this section, or if the evidence is timely submitted but fails to establish eligible immigration status, the responsible entity shall proceed to deny, revoke or terminate assistance, or provide continued assistance or temporary deferral of termination of assistance, as appropriate, in accordance with the provisions of §§5.514, 5.515, and 5.516.

(ii) *(Reserved)*

(2) FR 1993, Mar. 27, 1993, as amended at 61 FR 6883, Nov. 22, 1996; 61 FR 23721, May 12, 1996

§5.511 Documents of eligible immigration status

(a) *General.* A responsible entity shall request and review original documents of eligible immigration status. The responsible entity shall retain photocopies of the documents for its own records and return the original documents to the family.

(b) *Acceptable evidence of eligible immigration status.* Acceptable evidence of eligible immigration status shall be the original of a document designated by DHS as acceptable evidence of immigration status in one of the six categories mentioned in §5.509(a) for the specific immigration status claimed by the individual.

(2) FR 1993, Mar. 27, 1993, as amended at 61 FR 6883, Nov. 22, 1996; 61 FR 23721, May 12, 1996

§5.512 Verification of eligible immigration status

(a) *General.* Except as described in paragraph (b) of this section and §5.514, no individual or family applying for assistance may receive such assistance prior to the verification of the eligibility of at least the individual or one family member. Verification of eligibility consistent with §5.514 occurs when the individual or family members have submitted documentation to the responsible entity in accordance with §5.509.